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2D SESSION

S. 3075

To facilitate famine relief efforts and a comprehensive solution to the war
in Sudan.

IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2002

Mr. FRIST (for himself, Mr. BROWNBACK, and Mr. HELMS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To facilitate famine relief efforts and a comprehensive
solution to the war in Sudan.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sudan Peace Act”.

5 **SEC. 2. FINDINGS.**

6 The Congress makes the following findings:

7 (1) The Government of Sudan has intensified
8 its prosecution of the war against areas outside of
9 its control, which has already cost more than

1 2,000,000 lives and has displaced more than
2 4,000,000 people.

3 (2) A viable, comprehensive, and internationally
4 sponsored peace process, protected from manipula-
5 tion, presents the best chance for a permanent reso-
6 lution of the war, protection of human rights, and
7 a self-sustaining Sudan.

8 (3) Continued strengthening and reform of hu-
9 manitarian relief operations in Sudan is an essential
10 element in the effort to bring an end to the war.

11 (4) Continued leadership by the United States
12 is critical.

13 (5) Regardless of the future political status of
14 the areas of Sudan outside of the control of the Gov-
15 ernment of Sudan, the absence of credible civil au-
16 thority and institutions is a major impediment to
17 achieving self-sustenance by the Sudanese people
18 and to meaningful progress toward a viable peace
19 process. It is critical that credible civil authority and
20 institutions play an important role in the reconstruc-
21 tion of post-war Sudan.

22 (6) Through the manipulation of traditional ri-
23 valries among peoples in areas outside of its full con-
24 trol, the Government of Sudan has used divide-and-
25 conquer techniques effectively to subjugate its popu-

1 lation. However, internationally sponsored reconcili-
2 ation efforts have played a critical role in reducing
3 human suffering and the effectiveness of this tactic.

4 (7) The Government of Sudan utilizes and or-
5 ganizes militias, Popular Defense Forces, and other
6 irregular units for raiding and enslaving parties in
7 areas outside of the control of the Government of
8 Sudan in an effort to disrupt severely the ability of
9 the populations in those areas to sustain themselves.
10 The tactic helps minimize the Government of Su-
11 dan's accountability internationally.

12 (8) The Government of Sudan has repeatedly
13 stated that it intends to use the expected proceeds
14 from future oil sales to increase the tempo and
15 lethality of the war against the areas outside of its
16 control.

17 (9) By regularly banning air transport relief
18 flights by the United Nations relief operation OLS,
19 the Government of Sudan has been able to manipu-
20 late the receipt of food aid by the Sudanese people
21 from the United States and other donor countries as
22 a devastating weapon of war in the ongoing effort by
23 the Government of Sudan to starve targeted groups
24 and subdue areas of Sudan outside of the Govern-
25 ment's control.

1 (10) The acts of the Government of Sudan, in-
2 cluding the acts described in this section, constitute
3 genocide as defined by the Convention on the Pre-
4 vention and Punishment of the Crime of Genocide
5 (78 U.N.T.S. 277).

6 (11) The efforts of the United States and other
7 donors in delivering relief and assistance through
8 means outside of OLS have played a critical role in
9 addressing the deficiencies in OLS and offset the
10 Government of Sudan's manipulation of food dona-
11 tions to advantage in the civil war in Sudan.

12 (12) While the immediate needs of selected
13 areas in Sudan facing starvation have been ad-
14 dressed in the near term, the population in areas of
15 Sudan outside of the control of the Government of
16 Sudan are still in danger of extreme disruption of
17 their ability to sustain themselves.

18 (13) The Nuba Mountains and many areas in
19 Bahr al Ghazal and the Upper Nile and the Blue
20 Nile regions have been excluded completely from re-
21 lief distribution by OLS, consequently placing their
22 populations at increased risk of famine.

23 (14) At a cost which has sometimes exceeded
24 \$1,000,000 per day, and with a primary focus on
25 providing only for the immediate food needs of the

1 recipients, the current international relief operations
2 are neither sustainable nor desirable in the long
3 term.

4 (15) The ability of populations to defend them-
5 selves against attack in areas outside of the control
6 of the Government of Sudan has been severely com-
7 promised by the disengagement of the front-line
8 states of Ethiopia, Eritrea, and Uganda, fostering
9 the belief among officials of the Government of
10 Sudan that success on the battlefield can be
11 achieved.

12 (16) The United States should use all means of
13 pressure available to facilitate a comprehensive solu-
14 tion to the war in Sudan, including—

15 (A) the multilateralization of economic and
16 diplomatic tools to compel the Government of
17 Sudan to enter into a good faith peace process;

18 (B) the support or creation of viable demo-
19 cratic civil authority and institutions in areas of
20 Sudan outside of government control;

21 (C) continued active support of people-to-
22 people reconciliation mechanisms and efforts in
23 areas outside of government control;

1 (D) the strengthening of the mechanisms
2 to provide humanitarian relief to those areas;
3 and

4 (E) cooperation among the trading part-
5 ners of the United States and within multilat-
6 eral institutions toward those ends.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means the Committee on International Re-
12 lations of the House of Representatives and the
13 Committee on Foreign Relations of the Senate.

14 (2) GOVERNMENT OF SUDAN.—The term “Gov-
15 ernment of Sudan” means the National Islamic
16 Front government in Khartoum, Sudan.

17 (3) OLS.—The term “OLS” means the United
18 Nations relief operation carried out by UNICEF, the
19 World Food Program, and participating relief orga-
20 nizations known as “Operation Lifeline Sudan”.

21 **SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN**
22 **RIGHTS ABUSES, AND TACTICS OF THE GOV-**
23 **ERNMENT OF SUDAN.**

24 The Congress hereby—

25 (1) condemns—

1 (A) violations of human rights on all sides
2 of the conflict in Sudan;

3 (B) the Government of Sudan's overall
4 human rights record, with regard to both the
5 prosecution of the war and the denial of basic
6 human and political rights to all Sudanese;

7 (C) the ongoing slave trade in Sudan and
8 the role of the Government of Sudan in abet-
9 ting and tolerating the practice;

10 (D) the Government of Sudan's use and
11 organization of "muraHalliin" or
12 "mujahadeen", Popular Defense Forces, and
13 regular Sudanese Army units into organized
14 and coordinated raiding and slaving parties in
15 Bahr al Ghazal, the Nuba Mountains, and the
16 Upper Nile and the Blue Nile regions; and

17 (E) aerial bombardment of civilian targets
18 that is sponsored by the Government of Sudan;
19 and

20 (2) recognizes that, along with selective bans on
21 air transport relief flights by the Government of
22 Sudan, the use of raiding and slaving parties is a
23 tool for creating food shortages and is used as a sys-
24 tematic means to destroy the societies, culture, and

1 economies of the Dinka, Nuer, and Nuba peoples in
2 a policy of low-intensity ethnic cleansing.

3 **SEC. 5. ASSISTANCE FOR PEACE AND DEMOCRATIC GOV-**
4 **ERNANCE.**

5 (a) ASSISTANCE TO SUDAN.—The President is au-
6 thorized to provide increased assistance to the areas of
7 Sudan that are not controlled by the Government of
8 Sudan to prepare the population for peace and democratic
9 governance, including support for civil administration,
10 communications infrastructure, education, health, and ag-
11 riculture.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There are authorized to be
14 appropriated to the President to carry out the activi-
15 ties described in subsection (a) of this section
16 \$100,000,000 for each of the fiscal years 2003,
17 2004, and 2005.

18 (2) AVAILABILITY.— Amounts appropriated
19 pursuant to the authorization of appropriations
20 under paragraph (1) of this subsection are author-
21 ized to remain available until expended.

22 **SEC. 6. SUPPORT FOR AN INTERNATIONALLY SANCTIONED**
23 **PEACE PROCESS.**

24 (a) FINDINGS.—Congress hereby—

25 (1) recognizes that—

1 (A) a single, viable internationally and re-
 2 gionally sanctioned peace process holds the
 3 greatest opportunity to promote a negotiated,
 4 peaceful settlement to the war in Sudan; and

5 (B) resolution to the conflict in Sudan is
 6 best made through a peace process based on the
 7 Declaration of Principles reached in Nairobi,
 8 Kenya, on July 20, 1994, and on the Machakos
 9 Protocol in July 2002; and

10 (2) commends the efforts of Special Presi-
 11 dential Envoy, Senator Danforth and his team in
 12 working to assist the parties to the conflict in Sudan
 13 in finding a just, permanent peace to the conflict in
 14 Sudan.

15 (b) MEASURES OF CERTAIN CONDITIONS NOT
 16 MET.—

17 (1) PRESIDENTIAL DETERMINATION.—

18 (A) The President shall make a determina-
 19 tion and certify in writing to the appropriate
 20 congressional committees within 6 months after
 21 the date of enactment of this Act, and each 6
 22 months thereafter, that the Government of
 23 Sudan and the Sudan People's Liberation
 24 Movement are negotiating in good faith and
 25 that negotiations should continue.

1 (B) If, under subparagraph (A), the Presi-
2 dent determines and certifies in writing to the
3 appropriate congressional committees that the
4 Government of Sudan has not engaged in good
5 faith negotiations to achieve a permanent, just,
6 and equitable peace agreement, or has unrea-
7 sonably interfered with humanitarian efforts,
8 then the President, after consultation with the
9 Congress, shall implement the measures set
10 forth in paragraph (2).

11 (C) If, under subparagraph (A), the Presi-
12 dent determines and certifies in writing to the
13 appropriate congressional committees that the
14 Sudan People's Liberation Movement has not
15 engaged in good faith negotiations to achieve a
16 permanent, just, and equitable peace agree-
17 ment, then paragraph (2) shall not apply to the
18 Government of Sudan.

19 (D) If the President certifies to the appro-
20 priate congressional committees that the Gov-
21 ernment of Sudan is not in compliance with the
22 terms of a permanent peace agreement between
23 the Government of Sudan and the Sudan Peo-
24 ple's Liberation Movement, then the President,
25 after consultation with the Congress, shall im-

1 plement the measures set forth in paragraph
2 (2).

3 (E) If, at any time after the President has
4 made a certification under subparagraph (B),
5 the President makes a determination and cer-
6 tifies in writing to the appropriate congressional
7 committees that the Government of Sudan has
8 resumed good faith negotiations, or makes a de-
9 termination and certifies in writing to the ap-
10 propriate congressional committees that the
11 Government of Sudan is in compliance with a
12 peace agreement, then paragraph (2) shall not
13 apply to the Government of Sudan.

14 (2) MEASURES IN SUPPORT OF THE PEACE
15 PROCESS.—Subject to the provisions of paragraph
16 (1), the President—

17 (A) shall, through the Secretary of the
18 Treasury, instruct the United States executive
19 directors to each international financial institu-
20 tion to continue to vote against and actively op-
21 pose any extension by the respective institution
22 of any loan, credit, or guarantee to the Govern-
23 ment of Sudan;

1 (B) should consider downgrading or sus-
2 pending diplomatic relations between the
3 United States and the Government of Sudan;

4 (C) shall take all necessary and appro-
5 priate steps, including through multilateral ef-
6 forts, to deny the Government of Sudan access
7 to oil revenues to ensure that the Government
8 of Sudan neither directly nor indirectly utilizes
9 any oil revenues to purchase or acquire military
10 equipment or to finance any military activities;
11 and

12 (D) shall seek a United Nations Security
13 Council Resolution to impose an arms embargo
14 on the Government of Sudan.

15 (c) REPORT ON THE STATUS OF NEGOTIATIONS.—
16 If, at any time after the President has made a certification
17 under subsection (b)(1)(A), the Government of Sudan dis-
18 continues negotiations with the Sudan People's Liberation
19 Movement for a 14-day period, then the President shall
20 submit a quarterly report to the appropriate congressional
21 committees on the status of the peace process until nego-
22 tiations resume.

23 (d) REPORT ON UNITED STATES OPPOSITION TO FI-
24 NANCING BY INTERNATIONAL FINANCIAL INSTITU-
25 TIONS.—The Secretary of the Treasury shall submit a

1 semiannual report to the appropriate congressional com-
 2 mittees describing the steps taken by the United States
 3 to oppose the extension of a loan, credit, or guarantee if,
 4 after the Secretary of the Treasury gives the instructions
 5 described in subsection (b)(2)(A), such financing is ex-
 6 tended.

7 (e) REPORT ON EFFORTS TO DENY OIL REVE-
 8 NUES.—Not later than 45 days after the President takes
 9 an action under subsection (b)(2)(C), the President shall
 10 submit to the appropriate congressional committees a
 11 comprehensive plan for implementing the actions de-
 12 scribed in such subsection.

13 (f) DEFINITION.—In this section, the term “inter-
 14 national financial institution” means the International
 15 Bank for Reconstruction and Development, the Inter-
 16 national Development Association, the International Mon-
 17 etary Fund, the African Development Bank, and the Afri-
 18 can Development Fund.

19 **SEC. 7. MULTILATERAL PRESSURE ON COMBATANTS.**

20 It is the sense of Congress that—

- 21 (1) the United Nations should help facilitate
- 22 peace and recovery in Sudan;
- 23 (2) the President, acting through the United
- 24 States Permanent Representative to the United Na-
- 25 tions, should seek to end the veto power of the Gov-

1 ernment of Sudan over the plans by OLS for air
2 transport relief flights and, by doing so, to end the
3 manipulation of the delivery of relief supplies to the
4 advantage of the Government of Sudan on the bat-
5 tlefield; and

6 (3) the President should take appropriate meas-
7 ures, including the implementation of recommenda-
8 tions of the International Eminent Persons Commis-
9 sion contained in the report issued on May 22,
10 2002, to end slavery and aerial bombardment of ci-
11 vilians by the Government of Sudan.

12 **SEC. 8. REPORTING REQUIREMENT.**

13 Not later than 6 months after the date of the enact-
14 ment of this Act, and annually thereafter, the Secretary
15 of State shall prepare and submit to the appropriate con-
16 gressional committees a report regarding the conflict in
17 Sudan. Such report shall include—

18 (1) a description of the sources and current sta-
19 tus of Sudan's financing and construction of infra-
20 structure and pipelines for oil exploitation, the ef-
21 fects of such financing and construction on the in-
22 habitants of the regions in which the oil fields are
23 located, and the ability of the Government of Sudan
24 to finance the war in Sudan with the proceeds of the
25 oil exploitation;

1 (2) a description of the extent to which that fi-
2 nancing was secured in the United States or with in-
3 volvement of United States citizens;

4 (3) the best estimates of the extent of aerial
5 bombardment by the Government of Sudan, includ-
6 ing targets, frequency, and best estimates of dam-
7 age; and

8 (4) a description of the extent to which humani-
9 tarian relief has been obstructed or manipulated by
10 the Government of Sudan or other forces.

11 **SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR**
12 **RELIEF EFFORTS.**

13 (a) SENSE OF CONGRESS.—It is the sense of the Con-
14 gress that the President should continue to increase the
15 use of non-OLS agencies in the distribution of relief sup-
16 plies in southern Sudan.

17 (b) REPORT.—Not later than 90 days after the date
18 of enactment of this Act, the President shall submit to
19 the appropriate congressional committees a detailed report
20 describing the progress made toward carrying out sub-
21 section (a).

22 **SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANS-**
23 **PORT RELIEF FLIGHTS.**

24 (a) PLAN.—The President shall develop a contin-
25 gency plan to provide, outside the auspices of the United

1 Nations if necessary, the greatest possible amount of
2 United States Government and privately donated relief to
3 all affected areas in Sudan, including the Nuba Mountains
4 and the Upper Nile and the Blue Nile regions, in the event
5 that the Government of Sudan imposes a total, partial,
6 or incremental ban on OLS air transport relief flights.

7 (b) REPROGRAMMING AUTHORITY.—Notwith-
8 standing any other provision of law, in carrying out the
9 plan developed under subsection (a), the President may
10 reprogram up to 100 percent of the funds available for
11 support of OLS operations for the purposes of the plan.

12 **SEC. 11. INVESTIGATION OF WAR CRIMES.**

13 (a) IN GENERAL.—The Secretary of State shall col-
14 lect information about incidents which may constitute
15 crimes against humanity, genocide, war crimes, and other
16 violations of international humanitarian law by all parties
17 to the conflict in Sudan, including slavery, rape, and aerial
18 bombardment of civilian targets.

19 (b) REPORT.—Not later than 6 months after the date
20 of the enactment of this Act and annually thereafter, the
21 Secretary of State shall prepare and submit to the appro-
22 priate congressional committees a detailed report on the
23 information that the Secretary of State has collected
24 under subsection (a) and any findings or determinations
25 made by the Secretary on the basis of that information.

1 The report under this subsection may be submitted as part
2 of the report required under section 8.

3 (c) CONSULTATIONS WITH OTHER DEPARTMENTS.—

4 In preparing the report required by this section, the Sec-
5 retary of State shall consult and coordinate with all other
6 Government officials who have information necessary to
7 complete the report. Nothing contained in this section
8 shall require the disclosure, on a classified or unclassified
9 basis, of information that would jeopardize sensitive
10 sources and methods or other vital national security inter-
11 ests.

